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SEP 27 2004

FAX COVER SHEET

Date: September 27, 2004	Phone Number	Fax Number
To: Examiner Shin Hon Chen		(703) 872-9306
From: Kevin J. Zilka		

Docket Number: NA11P157/00.091.01

Application Number: 09/678,010

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

Please deliver to Examiner Chen.

Thank you,

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

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September 27, 2004

Practitioner's Docket No. NAI1P157/00.091.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin J. Lucas et al.

Application No.: 09/678,010

Group No.: 2131

Filed: October 3, 2000

Examiner: Chen, S.

For: PROVIDING BREAK POINTS IN VIRUS SCANNING OPERATION

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SEP 27 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed June 3, 2004, finally rejecting claims 1-30.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. " 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10*

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Date:

9/27/2004

Signature

Erica L. Farlow

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (" 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under " 1.8 continues to be taken into account in determining timeliness. See " 1.703(f). Consider "Express Mail Post Office to Addressee" (" 1.10) or facsimile transmission (" 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Other than a small entity	\$330.00
Notice of Appeal fee due	\$330.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee	\$110.00
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If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$330.00
Extension fee	\$110.00

TOTAL FEE DUE \$440.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$440.00 to Deposit Account No. 50-1351 (Order No. NA11P157).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NA11P157).

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875

Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Notice of Appeal from the Primary Examiner to Board--page 2 of 2



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